

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ENOLA RATCLIFFE,

Plaintiff,

vs.

JO ANNE B. BARNHART, Commissioner of
Social Security Administration,

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:05-CV-751 TS

On September 9, 2005, Plaintiff appealed the Commissioner's decision denying her application for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI).¹ On February 8, 2006, the Court issued an order of reference to a magistrate judge, pursuant to 28 U.S.C. § 636(b)(1)(B), and the case was subsequently referred to Magistrate Brooke C. Wells.²

This matter is before the court for consideration of the Magistrate Judge's Report and Recommendation, which was issued on February 5, 2007.³ The Magistrate Judge recommends that

¹ Docket No. 3.

² Docket No. 16.

³ Docket No. 18.

Plaintiff's case be remanded back to the Administrative Law Judge (ALJ) for further proceedings as set forth in the Report and Recommendation, including further development of the record regarding Plaintiff's IQ.

Objections to the Report and Recommendation were due by February 20, 2007. Neither party has filed an objection to the Report and Recommendation. In cases where there is no objection, the court applies the "clearly erroneous" standard.⁴ The court has considered the pleadings in the file and the Report and Recommendation and finds that the findings of the magistrate judge were not clearly erroneous. It is therefore

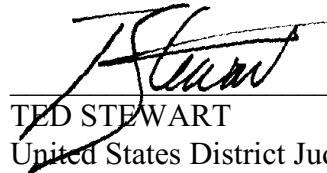
ORDERED that the Magistrate Judge's February 5, 2007 Report and Recommendation is ADOPTED IN FULL. It is further

ORDERED, ADJUDGED AND DECREED that Plaintiff's case is REMANDED back to the ALJ for further proceedings, as set forth in the Report and Recommendation.

The Clerk of Court is directed to close the file forthwith.

DATED this 26th day of February, 2007.

BY THE COURT:



TED STEWART
United States District Judge

⁴ *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988).